

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SADIE HACKLER on behalf of herself ) SA-18-CV-00911-XR  
and all others similarly situated

v. )

TOLTECA ENTERPRISES INC. )

**MOTION TO EXTEND THE TIME TO RESPOND TO THE PLAINTIFF'S  
MOTION FOR ATTORNEY FEES AND EXPENSES**

Now comes Tolteca Enterprises Inc., who moves the court to extend the time for it to respond and object to the Plaintiff's Motion for Attorney Fees and Expenses in this case.

1. Plaintiff's attorneys have moved for approval of their claims for attorney fees and expenses in this case. (Doc. #64, 65).

2. Plaintiff's attorneys filed their motion on June 11, 2021 and then supplemented the motion on June 11, 2021.

3. Plaintiff's fee application is some 70 pages in length, plus 2 more on the supplement. Plaintiff's attorneys have made multiple arguments in their attempt to justify their claims for attorney fees and case expenses.

4. Plaintiff's motion is lengthy and complicated, raising a multitude of concerns that Defendant is entitled to challenge so justice can be done. For example, Plaintiff's attorneys have addressed each of the 12 "lodestar" factors the Fifth Circuit recognizes. *Johnson v. Georgia Highway Express*, 488 F. 2d 714 (5<sup>th</sup> Cir. 1974).

5. In order for Defendant to effectively respond and object as may be necessary and proper, Defendant needs more than the standard 14 days to respond and object. Not only is research needed to be done, the response and objections will need to be drafted and revised. This

will be laborious for Defendant's attorney who is a sole practitioner with a busy schedule, including some jury trials that are coming up in August, September and November 2021. One of the trials is specially set in Corpus Christi, another in Austin federal court, and then one is specially set in San Antonio.

6. Defendant requests 35 days from June 14, 2021, to respond and object to have a fair opportunity to address Plaintiff's claims for attorney fees and expenses.

7. This motion is not for delay only but so justice may be done.

WHEREFORE, Defendant Tolteca files this motion for an extension of time.

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Attorney for Defendant

#### **CERTIFICATE OF SERVICE**

I certify that the foregoing has been e-filed on June 14, 2021, with the court's CM/ECF electronic filing system which will give notice electronically to all opposing counsel in this case.

S/Tom Clarke

#### **CERTIFICATE OF CONFERENCE**

On or about June 11, 2021 I conferred with Ben Bingham, Plaintiff's counsel, about wanting an extension of time to respond to Plaintiff's motion for attorney fees and case expenses. Mr. Bingham said he did not oppose an extension of time but did oppose a 35 day extension of time.

S/ Tom Clarke

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**ORDER GRANTING DEFENDANT'S  
MOTION TO EXTEND THE TIME TO RESPOND TO THE PLAINTIFF'S  
MOTION FOR ATTORNEY FEES AND EXPENSES**

After considering the Defendant's motion to extend the time to respond to the Plaintiff's motion for attorney fees and expenses, the court GRANTS the motion and Defendant shall have to July 19, 2021, to respond and object to the Plaintiff's motion for attorney fees and expenses.

So ordered.

Entered on \_\_\_\_\_, 2021.

\_\_\_\_\_  
JUDGE PRESIDING